

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Application No.: 10/025,282
Confirmation No.: 5918
First-Named Inventor: Mark W. Bleyer
Filing Date: December 19, 2001
Group Art Unit: 1633
Examiner: Maria Gomez Leavitt
Attorney Docket No.: 003433-000333
Title: RADIOPAQUE IMPLANTABLE COLLAGENOUS BIOMATERIAL DEVICE

INTERVIEW SUMMARY

Commissioner for Patents
PO Box 1450
Alexandria, VA 22313-1450

Sir:

In response to the Office Communication dated April 3, 2009, please consider the following. Additionally, please provide any extensions of time which may be necessary and charge any fees which may be due to Deposit Account No. 23-3030, but not to include any payment of issue fees.

Remarks

In response to the Office Communication mailed April 3, 2009, Applicants hereby summarize the substance of the telephonic examiner interview held on March 31, 2009, and hereby request entry of these remarks in the application.

The undersigned attorney would like to thank examiners Leavitt and Woitach for the courtesy of the telephonic interview of March 31, 2009. The interview included a discussion of the Stinson reference and the claimed subject matter. The parties also discussed that the undersigned attorney could fax a copy of draft claims to be considered by examiner Leavitt. The draft claims would require a radiopaque maker to be positioned between opposing exterior surfaces of layers or strips. The undersigned attorney remarked that even if one skilled in the art were to consider Stinson in view of Badylak, the teachings of Stinson provide counter-motivation to position the radiopaque substance between opposing exterior surfaces in the Badylak construct, because positioning the radiopaque substance in this location would inhibit the substance from releasing from the construct in the manner indicated by Stinson to be important. It was also discussed that positioning a radiopaque between opposing layers (e.g., between a first layer and a second layer) could be effective to provide a local increased concentration of the radiopaque between the layers.

Respectfully submitted,



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